IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.17166 of 2004

Between:

K. Ravindra Chary S/o Brahma Chary,
R/o H. NO. 10-2-496, Vidyanagar, Karimnagar

..... PETITIONER

AND

The District & Sessions Judge, Karimnagar

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate Writ, or order or direction more particularly one in the nature of Writ of Mandamus declaring the orders of Dis. No.2303 dt 02-04-2004 passed by the District & Sessions Judge Karimnagar as illegal, arbitrary and against the principles of natural of justice.

Counsel for the Petitioner: Mr.P.GIRI KRISHNA

Counsel for the Respondent : Mr.C.V.NAGARJUNA REDDY

The Court made at the admission stage the following :

ORAL ORDER: (Per **THE HON'BLE CHIEF JUSTICE**)

Petitioner was working as Advocate Clerk and his name was recorded at Sl.No.14/2004 on the rolls of Advocate Clerks' Association, Karimangar. On 2-4-2004 an order was passed by the District and Sessions Judge, Karimnagar holding him guilty having contravened the the Rules relating to Advocate Clerks in Subordinate Courts. Incident relates to 26-3-2003 when petitioner was found having delivered process papers to the Bench Clerk. While handing over the process payment forms, he also enclosed Rs.50/- note. This incident took place when the Bench work was going on. The Bench Clerk Sri Shankaraiah took the forms and also Rs.50/- note and the same was kept by him in his pocket. Noticing this incident, Judicial Magistrate of First Class, Special Mobile Court, Karimnagar, in which Court the incident had happened proceeded to record petitioner's statement. Statement was dictated by the Magistrate in the presence of the petitioner and as per the endorsement, it was read over and explained to him and after admitting the contents to be true and correct, he signed on the statement. The Bench Clerk also submitted explanation that while the Bench was going on, petitioner handed over some papers, in which he noticed Rs.50/- note in the middle of Process Payment Forms etc., and when he tried to call the petitioner to return the money, he already left the

Court hall and with an intention to return the money after the Bench work, he kept the same with him. Whatever may be the explanation of the Bench Clerk, we are informed that the Bench Clerk has been proceeded with Departmentally. The grievance now made by the petitioner is that no opportunity of being heard was given to him nor any explanation was called for and straightaway, the District Judge proceeded to pass the order against him.

We have heard the learned counsel for the petitioner and perused the entire record made available to us by the learned counsel for respondent.

In such like matters, in view of the admitted position, hardly there will be any interference called for in exercise of our writ jurisdiction, more especially when in the wake of numerous complaints of rampant corruption and a few cases are actually traced out. Petitioner did not dispute of handing over the process papers as well as notices to the Bench Clerk and also there is no dispute that the Rs.50/- note was lying in the papers; but, he states that it was not his intention to bribe the Bench Clerk. This is the explanation, which does not fit into the circumstances as noticed by us. Now, he states that the statement was not read over to him by the Magistrate and the concerned Magistrate has no jurisdiction to record the statement. Such submissions have to be just ignored inasmuch as with 17 years experience, the petitioner as Advocate Clerk, putforth such defence. But, what has to be seen is that after 26-3-2003 no steps were taken by the petitioner to refute the statement, till 15-4-2004 when he submitted the representation for the first time, taking out the defence that the alleged statement recorded by the Magistrate has not been read over to him and as the Magistrate was angry with him, he had signed the same. In the statement, he stated that money was paid by him to the Bench Clerk at the behest of Smt.Geetha Reddy, Advocate. Such an act on the part of petitioner is such, for which punishment of removal of the name from the rolls of Advocate Clerks cannot be said to be harsh. We cannot agree with the submission that the punishment imposed is too harsh. In such like matters, even the entry of such persons into the Court premises cannot be permitted. Writ Petition is devoid of merits.

Accordingly, the Writ Petition is dismissed. No costs.

DEVINDER GUPTA, C.J.

27-10-2004

C.V.RAMULU, J

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District & Sessions Judge, Karimnagar

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